

**IMPORTANT NOTICE FOR MILITARY RESERVISTS:  
*BUTTERBAUGH v. DEPARTMENT OF JUSTICE*  
COURT DECISION**

The Office of Personnel Management (OPM) recently issued a [memorandum](#) regarding an important court decision that could impact employees who are currently or formerly members of the Armed Forces Reserves or National Guard. The purpose of this message is to provide further clarification and instructions about the court decision. **This notice affects only current or former members of the Armed Forces Reserves or National Guard.**

Prior to December 21, 2000, employees were charged for military leave on non-workdays that occurred within periods of military duty. For instance, if an employee was on military leave from Thursday to Tuesday, the weekend days were counted against the employee's 15 **calendar** days of military leave. As a result, some employees could not use the full 15 days of paid military leave to cover their absence and had to use annual leave or leave without pay instead. On December 21, 2000, the military leave law was changed so that employees were granted 15 **workdays** of military leave. Non-workdays were no longer counted against the military leave entitlement.

The recent Butterbaugh v. Department of Justice decision allows employees to request a credit of annual leave as a replacement for military leave charged on non-workdays prior to December 21, 2000. For example, if an employee was on military leave from Thursday to Tuesday and was charged military leave for the 2 weekend days, he/she could file a claim and receive a credit of 2 days (16 hours) of annual leave as a replacement for the military leave charged on the weekend. A maximum of 4 days (32 hours) of annual leave may be credited for each fiscal year.

**If you wish to submit a claim under this court decision**, you must submit a written request for a credit of annual leave. Your claim must include documentation indicating that you were engaged in active military duty (that included non-workdays) during your individual claims period (explained below). Appropriate documentation could include a copy of your military orders, certificate of attendance, or other similar documentation.

Please note that as with all leave claims against the government, there is a six-year limit on claims. Your individual claim period will begin six years prior to the date you submit your claim and end on December 21, 2000 (the date the military leave law changed). For instance, if you submit your claim on November 5, 2004, your claim period will run from November 5, 1998, through December 21, 2000.

Please send your claim to:

Bureau of the Public Debt  
Attention: Diane Dawkins, Avery 2B  
200 Third Street  
Parkersburg, WV 26106-1328

You may also fax your claim to Diane Dawkins at 304-480-8282.

For additional information or assistance in filing a claim, please contact Diane Dawkins at (304) 480-8268.